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SOAH DOCKET NO. 473-21-0246.WS
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COMPLAINT OF CERTAIN MEMBERS § BEFORE THE STATE OFFICE
OF RIO ANCHO HOMEOWNERS §
ASSOCIATION AGAINST AQUA § OF
TEXAS, INC. § ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 4
MEMORIALIZING PREHEARING CONFERENCE; ADOPTING PROCEDURAL
SCHEDULE, INCLUDING SETTING HEARING ON THE MERITS

The Administrative Law Judge (ALJ) held the second prehearing conference in this case on March 2, 2021. All parties appeared through their attorneys. After hearing argument, the ALJ concluded that the Second Amended Formal Complaint filed by Complainants¹ on February 2, 2021, complies with SOAH Order No. 2. The parties agreed to file an agreed procedural schedule by March 5, 2021. The following procedural schedule, which is consistent with the agreed procedural schedule filed that day, is **ADOPTED**:

Event	Date
Complainants' prefiled direct testimony	April 16, 2021
Objections to Complainants' direct testimony	April 30, 2021
Response to objections to Complainants' direct testimony	May 14, 2021
Aqua Texas's prefiled direct testimony	May 21, 2021
Objections to Aqua Texas's prefiled direct testimony	June 4, 2021
Response to objections to Aqua Texas's prefiled direct testimony	June 18, 2021
Staff's prefiled direct testimony	June 28, 2021
Objections to Staff's prefiled direct testimony	July 9, 2021
Response to objections to Staff's prefiled direct testimony	July 23, 2021

¹ Complainants are Francis T. Rossi, James Justin Pogue, Julie Bowse, Kenneth W. Cline, Diana S. Cline, David Amador, Marshall Ault, Chester Jackson, Virginia Jackson, Bruce Brown, Sue Brown, David Meyers, Doreen Meyers, Rob Meyers, Daniel Winans, Andrea Winans, Samuel Cox, Jaime Torres, and Dustin Torres.

Event	Date
Settlement conference ²	TBD
Prefiled rebuttal testimony for all parties	August 6, 2021
Objections to rebuttal testimony for all parties	August 20, 2021
Agreed status report stating whether the parties expect to request a continuance or abatement due to settlement negotiations and whether a court reporter will transcribe the hearing	September 1, 2021
Deadlines set forth below relating to witnesses and exhibits	September 2, 2021
Response to objections to rebuttal testimony for all parties	September 3, 2021
Hearing on the merits	September 7-8, 2021

The ALJ will convene the hearing on the merits at **9:00 a.m. on September 7, 2021, via the Zoom videoconference platform**. The hearing is set for two days. Unless a party has a court reporter transcribe the hearing, the ALJ will make an audio recording of the hearing that will be the official record of the proceeding.

To access the hearing, go to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, select “Join a Meeting,” and enter the following information when prompted:

Meeting ID: 161 738 8178

Passcode: 1APaUF

If you do not have access to a device that would allow videoconferencing capabilities, you may join by telephone by calling either number below and entering the following Meeting ID and passcode. Note that the passcode to join by telephone is different than the passcode to join via a computer or smart device.

² As agreed by the parties, Staff will convene the settlement conference and shall provide to the parties the appropriate notice of where and when the conference will occur.

(669) 254-5252 or (646) 828-7666

Meeting ID: 161 738 8178

Passcode: 490672

You may access information for participating in a zoom meeting at www.zoom.us under the “support” tab. A party who experiences technical difficulties with joining the hearing should contact SOAH’s Docketing Division at (512) 475-4993, or the ALJ’s legal secretary, Nadia Martinez, at 512-936-0724 or Nadia.Martinez@soah.texas.gov.

It is further **ORDERED** that the following actions shall be taken **no later than September 2, 2021**:


- Each party **SHALL** file a list identifying its witnesses, if any, for whom all other parties waived cross-examination.
- Each party **SHALL** file a list of all exhibits it intends to offer at the hearing (including, for example, on cross-examination).
- The parties **SHALL** deliver to the ALJ at SOAH Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas, 78701, *the ALJ’s copy, the record copy, and two appeal copies* of all exhibits the party intends to offer. If a court reporter will transcribe the hearing, the parties **SHALL**, after consulting the court reporter about how to do so, provide *the record copy* of its exhibits instead to the court reporter, along with its exhibit list.
- The parties **SHALL** exchange a marked copy of all exhibits they intend to offer.³

All exhibits **SHALL** be marked with the offering party’s name and the exhibit number. Exhibits should be numbered sequentially, and multipage documents shall be paginated or Bates-stamped. Exhibits not meeting a requirement in this order may not be admitted into the record absent good cause.

³ The parties may agree among themselves on the method of delivery and may agree to forego exchanging a marked copy of exhibits they already have (such as prefiled testimony or documents obtained through discovery), instead relying on the exhibit lists to identify the exhibit, offering party, and exhibit number.

Prior to the hearing, the parties **SHALL** provide to witnesses all documents necessary for their effective participation in the hearing. Parties should also speak to the witnesses they intend to call to testify and provide them the necessary videoconferencing information.

SIGNED March 11, 2021.

A handwritten signature in black ink, appearing to read "Elizabeth Drews", is written over a horizontal line.

ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS